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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,566	07/11/2001	Keita Ito	010698	4812
23850	7590 12/20/2002			
ARMSTRONG, WESTERMAN & HATTORI, LLP			EXAMINER	
1725 K STRE SUITE 1000	•		LUGO, CARLOS	
WASHINGTON, DC 20006			ART UNIT	PAPER NUMBER
		3677		
			DATE MAILED: 12/20/2002	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Acti in Summary Examiner	·-····································	Application No.	Applicant(s)				
## Defice Act in Summary Examiner Carlos Lugo 3877 3877							
The MAILING DATE I this communication appears on the cover sheet with the correspondence address Peri dI reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extendence of time may be available under the provision of 37 CFR 1.13(a). In no event, however, may a reply be limely flied after SX (8) MONTHS from the mailing date of this communication of 37 CFR 1.13(a). In no event, however, may a reply be limely flied after SX (8) MONTHS from the mailing date of this communication of 17 CFR 1.13(a). In no event, however, may a reply be limely flied after SX (8) MONTHS from the mailing date of this communication. It is not to reply a valuable under the provision of 17 CFR 1.13(a). I NO particle for reply a visition the sol or extended period for reply will be the statutory provision at SX (8) MONTHS from the mailing date of this communication. Provision of the sol or extended period for reply will be statuted by the SX (8) MONTHS from the mailing date of this communication, even if timely (8) days will be considered interly. I NO particle for reply a specifical active the provision of the sol or extended period for reply will be statuted by the scale of this communication. Provision of Callams and the scale of the scale of this communication, even if timely flied, may reduce any service and scale of the scal	Office Acti n Summary						
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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filled after SN (6) MONTH'S from the mailing date of this communication. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filled after SN (6) MONTH'S from the mailing date of this communication. **Eventual Communication** of the state of the s	- The MAILING DATE f this communication ap		1	ess			
THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 3 rCFR 1.136(a). In no event, however, may a reply be timely filed after SN (6) MONTH's from the mailable under the provisions of 3 rCFR 1.136(a). In no event, however, may a reply be timely filed after SN (6) MONTH's from the mailable and the original communication. - If the profit or reply specific above a less than the remaining date of this communication. - Pallure to reply within the set or extended period for reply with, by statute, cause the specific SN (6) MONTH's from the mailing date of this communication. - Pallure to reply within the set or extended period for reply with, by statute, cause the specific sole, which is communication, even if timely filed, may reduce any examed palent term adjustment. See 37 CFR 1.704(b). Status 1)	Peri d f r Reply						
1) Responsive to communication(s) filed on 13 November 2002. 2a) This action is FINAL. 2b This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1 is/are pending in the application. 4a) Of the above claim(s) 2 is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are rejected. 7) Claim(s) is/are rejected to . 8) Claim(s) is/are a objected to . 8) Claim(s) is/are rejected to part to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on 13 November 2002 is: a) approved b) disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received.	THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1. after SIX (6) MONTHS from the mailing date of this communication. If the period for reply specified above is less than thirty (30) days, a rep. If NO period for reply is specified above, the maximum statutory period. Failure to reply within the set or extended period for reply will, by statut. Any reply received by the Office later than three months after the mailin earned patent term adjustment. See 37 CFR 1.704(b).	136(a). In no event, however, may a reply be tin bly within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from e, cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this common (35 U.S.C. § 133).	nunication.			
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	14) Acknowledgment is made of a claim for domest	tic priority under 35 U.S.C. § 119(e	e) (to a provisional a	oplication).			
Programme and the control of the design for definition defined to priority diffuer 30 0.0.0, 99 120 and/or 121							
Attachment(s)		, ,					
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4) Interview Summary (PTO-413) Paper No(s) 5) Notice of Informal Patent Application (PTO-152) 6) Other:	2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) Notice of Informal I					



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DETAILED ACTION

This Office Action is in response to applicant's amendment filed on November 13,
 2002 wherein claim 2 was cancelled.

Claim Rejections - 35 USC § 103

- 2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over DE Pat No 3,841,203 to Obermayer et al (Obermayer) in view of US Pat No 3,202,463 to Fatt.

Obermayer discloses a seal structure comprising a crankcase (1) having a crank chamber. The crankcase is coupled to a lower face of a cylindrical block (4). The crankcase includes first and second case halve (1' and 1") coupled to each other in a plane perpendicular to the joint surfaces between the crankcase and the cylindrical block.

One of the case halve includes a U shaped groove (5) that extends along a peripheral edge of the chamber.

Enlarged recesses (where 12 is located) are provided only in the first and second case halves and extend laterally from opposite ends of the seal groove.

A bar shaped seal member (6) is mounted in the groove. A gasket (17) is located between the joint surfaces of the block and the crankcase that comes in close contact with the enlarged end portions of the bar seal member.



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A T-shaped intersecting joint are among the cylindrical head and the first and second case halves is sealed by the seal member and the gasket

However, Obermayer fails to disclose that at the opposing ends of the bar shaped seal has an enlarged end to be filled on the enlarged recess. Obermayer disclose that a seal ring (10) is attached to the opposite ends of the bar seal member and placed on the enlarged recess.

Fatt teaches a seal structure for an engine body comprising a seal member (28) having enlarged opposite ends (30). Between the enlarged end portion of the seal and the joint surfaces is placed a gasket (32).

Applicant is reminded that a one-piece construction, in place of separate elements fastened together, is a design consideration within the skill of the art. <u>In re Kohno</u>, 391 F.2d 959, 157 USPQ 275 (CCPA 1968); <u>In re Larson</u>, 340 F.2d 965, 144 USPQ 347 (CCPA 1965).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a seal arrangement, as taught by Fatt, into a seal structure as described by Obermayer, in order to create a better sealing between the crankcase and the cylindrical block.

Response to Arguments

4. Applicant's arguments filed November 13, 2002 have been fully considered but they are not persuasive.

Regarding applicant's arguments that Obermayer, as modified by Fatt, fails to disclose that the seal structure has enlarged recesses for receiving the enlarged end



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portions integrally formed at the opposing ends of the bar-shaped seal member, Obermayer, as modified by Fatt, discloses the invention as claimed.

Obermayer, in Figure 4, illustrates an enlarge recess to receive the bar shaped seal (6) end and a seal member (10,11 and 12). However, the bar shaped seal and the seal member are not integrally formed.

Fatt teaches that is known in the art to have enlarged end portions integrally formed at the opposing ends of the bar-shaped seal member.

As to applicant's arguments that Obermayer, as modified by Fatt, fails to disclose a gasket interposed between the lower end face of the cylinder block and cooperating ends surfaces of the first and second case halves, Obermayer illustrates in Figure 4 that a gasket (17) is interposed between the lower end face of the cylinder block and cooperating ends surfaces of the first and second case halves. Also, Fatt teaches that between the enlarged end portion of the seal and the joint surfaces is placed a gasket (32).

As to applicant's arguments that Obermayer, as modified by Fatt, fails to teach that a T-shaped intersecting joint are among the cylindrical head and the first and second case halves is sealed by the seal member and the gasket, Obermayer in Figure 1 illustrates that.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and

any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing

date of the advisory action. In no event, however, will the statutory period for reply

expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Carlos Lugo. The examiner phone number is (703)-

305-9747. The fax number for correspondence before a final action is (703)-872-

9326 and the fax number for correspondence after final action is (703)-872-9327.

The email direction of the examiner is carlos.lugo@uspto.gov. The examiner can

normally be reached on Monday to Friday from 9:30am to 6:30pm (EST). If the

examiner is not available, please leave a message, including the application number

and the examiner will answer the message as soon as possible.

December 12, 2002

J. J. SWANN SUPERVISORY PATENT EXAMINER

TECHNOLOGY CENTER 3600